

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

IVAN COLON,

Plaintiff,

vs.

1:08-CV-219

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

APPEARANCES:

OF COUNSEL:

IVAN COLON
06-c-2287
Greene Correctional Facility
P.O. Box 975
Coxsackie, New York 12051
Plaintiff, *pro se*

SOCIAL SECURITY ADMINISTRATION
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278
Attorney for Defendant

SOMMATTIE RAMRUP, ESQ.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 3rd day of February 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant's motion to dismiss (Dkt. No. 14) is denied and the Commissioner is directed to file an Answer and Administrative Record in accordance with General Order 18.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Date: February 24, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

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